

claims arising under § 503(b)(2) shall be paid only after entry of an order by the Bankruptcy Court approving payment of the claim. If this case is dismissed, no priority claim arising under § 503(b)(2) shall be allowed unless an application for allowance is filed on or before 20 days after entry of the order of dismissal.

Name of Holder of Priority Claim	Amount of Priority Claim	Interest Rate Under Plan	Amount of Estimate of Periodic Payment	First Payment of this Amount in Month #	Last Payment of this Amount in Month#
Azwar-Radi M. Rashid	200.00 per hour		350.00	1	Estimated 10

(Docket No. 23)

The order confirming the plan provides in pertinent part:

4. Notwithstanding any estimate of the amount of a general or priority unsecured claim contained in the plan or in an order of the Court, the actual amount payable on priority claims will be the Allowed Amount of the priority claim and the actual pro-ration for distribution on general unsecured claims will be based on actual Allowed Amounts of general unsecured claims.

(Docket No. 31).

In the instant application, Azwar-Radi M. Rashid, ("Applicant") counsel for the Debtor, seeks allowance of \$5,400.00 in fees and \$42.10 in expenses.

There is no dispute with respect to the reasonableness of the fees and expenses. The court has considered the time records attached to the instant application, and the testimony of Applicant, and finds that the instant application reflects

reasonable compensation to the debtor's attorney for representing the interests of the Debtor in connection with the bankruptcy case.

The Chapter 13 Trustee argues that Applicant is judicially estopped from seeking compensation in an amount higher than that set forth in the plan. The Trustee did not present any evidence or cite any authority in support of this proposition.

Conclusions of Law

Section 330(a)(4)(B) of the Bankruptcy Code provides:

(B) In a chapter 12 or chapter 13 case in which the debtor is an individual, the court may allow reasonable compensation to the debtor's attorney for representing the interests of the debtor in connection with the bankruptcy case based on a consideration of the benefit and necessity of such services to the debtor and the other factors set forth in this section.

11 U.S.C. § 330(a)(4)(B).

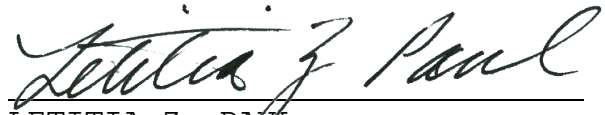
In In re Lasica, 294 B.R. 718 (Bankr. N.D. Ill. 2003), the court held that the debtor's chapter 13 plan, which made no provision for payment of attorney fees or expenses, barred the attorney's postpetition fee application. The rationale advanced by the court in Lasica was that orders confirming plans are binding on both debtors and creditors.

The instant case differs from Lasica in several respects. First, unlike in Lasica, the plan in the instant case made provision for attorney's fees. Second, in the instant case, the order confirming the plan expressly states that the amount to

be distributed on priority claims is the allowed amount of the claim, not the estimate in the plan. The court concludes that judicial estoppel does not bar the seeking of the fee in the instant application.

Based on the foregoing, a separate Judgment will be entered granting the Chapter 13 Fee Application (Docket No. 33).

Signed at Houston, Texas on September 11, 2012.


LETITIA Z. PAUL
UNITED STATES BANKRUPTCY JUDGE